

GOVERNMENT OF ANDHRA PRADAESH
ABSTRACT

Public Services – PR & RD Dept – Certain irregularities committed by Sri M.Venu Reddy, former Panchayat Secretary, G.P. Mahadevanpet, Bijinapally Mandal and VRO., Pamapoor, Village of Kothakota Mandal, Mahabubnagar District – Dismissed from service – Appeal filed – Appeal allowed – orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.III) DEPARTMENT

G.O.Rt.No. 75

Dated: 16--01-2009

Read the following:-

1. Proceedings No.B1/885/2006-A6-1 dt. 23-6-2008 of the District Collector (P.W.), Mahabubnagar.
2. Representation of Sri M.Venu Reddy, former Panchayat Secretary, G.P. Mahadevanpet, Bijinapally Mandal and VRO., Pamapoor, Village of Kothakota Mandal, Mahabubnagar District.
3. Govt. Memo No.18382/Vig.III/2008-1, PR & RD (Vig.III) Dept., dt.11-8-2008
4. From the Dist. Collector (P.W.), Mahabubnagar, Prog.No.B1/835/2006-A6-1, dt. 27-8-2008
5. From the Dist. Collector (P.W.), Mahabubnagar, Lr. No.B1/835/2006-A-6-1 dt. 27-8-2008.
6. Govt. Mem No.18382/Vig.III/2008-10,PR & RD (Vig.III) Dept., dt., 25-10-2008.
7. From the District Collector, Mahabubnagar, Lr.No.B1/835/2006-A6, dt. 29-10-2008.
8. Govt. Fax Memo No.18382/Vig.III/2008-11, PR & RD (Vig.III) Dept. ,dt. 17-11-2008
9. From the Dist. Collector, Mahabubnagar, Lr.No.B1/835/2006-A6-2, dt. 27-11-2008.

ORDER:

In the reference 1st read above, the District Collector (Pt.Wing), Mahabubnagar has imposed the penalty of dismissal from service besides recovery of an amount of Rs.20,000/- against Sri M.Venu Reddy, Pt. Secretary, G.P. Mahadevanpet, Bijinapally Mandal and VRO., Pamapoor, Village of Kothakota Mandal, Mahabubnagar District. Aggrieved by the said orders, the individual has filed appeal before the Hon'ble Minister for Panchayat Raj, in the reference 2nd read above. In his appeal he has requested to exonerate him from the impugned order/Proceedings by setting aside the same and to pass such other order or further orders as deemed fit and proper.

(P.T.O.)

2. In the Govt. Memo 3rd read above, orders have been issued staying the impugned proceedings 1st read above, until further orders, pending disposal of the appeal. Accordingly, the District Collector, Mahabubnagar reinstated the appellant into service- vide reference 4th read above.

3. The District Collector, Mahabubnagar has submitted her reports along with the connected records in the reference 5th, 7th and 9th read above.

4. The District Collector, Mahabubnagar has reported vide references 5th read above that the District Cooperative Officer, Mahaboobnagar was appointed as Preliminary Inquiry Officer for conducting inquiry into the irregularities committed by Sri M.Venu Reddy,, Panchayat Secretary and others, in implementation of ISL Programme in GPs of Bijinepally Mandal, Mahabubnagar District.

5. The DCO, Mahabubnagar and Inquiry Officer in his Preliminary Inquiry Report has stated that (437) quintals of rice has been released to GP Mahadevanpet of Bijinepally Mandal and distributed only (225) quintals of rice to the beneficiaries and misappropriated the remaining rice of (212) quintals. The DCO has fixed equal responsibility for misappropriation of the said rice against the MPDO., Bijanepally, FP Shop Dealers, and Panchayat Secretary.

6. A Charge Memo was issued framing the articles of charges against Sri M. Venu Reddy Pt. Secretary, calling for his explanation-vide charge Memo dt. 24-6-2006. The individual has submitted his explanation to the charge memo, but his explanation is not convincing nature. Therefore, a show-cause notice was issued to the individual calling for his explanation ob 22-3-2007, but his explanation is not in convincing nature. On his appeal, the District Collector has conducted a personal hearing on 3-10-2006 and the individual has stated that the MPDO, Bijinepally has forcibly obtained his signature on the RORs, but it is not acceptable.

7. The Dy. Chief Executive Officer, ZP., Mahabubnagar was appointed as Inquiry Officer to conduct inquiry into the charges and the MPDO., Bijinepally was appointed as Presenting Officer-vide Proceedings dt. 5-2-2007. In his report dt. 7-12-2007, the Inquiry Officer lhas reported that the District Collector has fixed the target for Mahadevanpet, village, Bijinepally Mandal, a target of (98) beneficiaries for construction of ISLs., And the A.O. has sanctioned (175) ISLs. to the beneficiaries and as per the list furnished by the Pt. Secretary, the MPDO, Bijinepally and he in turn without verifying the procedure of the scheme, straight away issued the release orders for (437) quintals of rice. The

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Panchayat Secretary and FP Shop Dealer distributed (225) quintals of rice to the (90) beneficiaries, who had completed the ISLs and also distributed (150) quintals of rice on the work i.e. filling Voora Bhavi and the records of the executed work in M.B. No.B/807/2002. The details of remaining 75 quintals of rice released to G.P. Mahadevanpet has not submitted by the A.O. to the I.O. Thus, the then MPDO., Bijinepaly, Panchayat Secretary, FP Shop Dealer were jointly and severally responsible for the loss of 75 quintals of rice, all of them have colluded and carried out the mis-deed. Hence, the charges framed against the appellant are held proved.

8. The Dy. Chief Executive Officer and Inquiry Officer has further reported that the Panchayat Secretary has violated the instructions of the higher authorities as well as rules and guidelines issued by the Government and acted against his job chart. Based on the inquiry report, a show-cause notice was issued to Sri M.Venu Reddy, directing him to show cause as to why major punishment should not be imposed against him for committing grave irregularities in distribution of ISLs Rice -vide show cause notice dt. 18-1-2008. The individual has submitted his explanation on 3-3-2008 denying all the charges, which are not correct. But he has sanctioned ISLs. more than target and issued the indent to the MPDO., now he is denying the charges, which is not correct. Hence his explanation is not convincing.

9. The District Collector (Pt.Wing), Mahabubnagar after examining the matter carefully with reference to the charges framed, explanation submitted by the C.O., and the material on record has issued the dismissal orders, besides recovery of an amount of Rs.20,000/- being the loss caused to Government -vide Proceedings dt. 23-6-2008.

10. Against the aforesaid orders, Sri M.Venu Reddy has filed the appeal under consideration inter-alia contending that the impugned proceedings are highly illegal, arbitrary and non-application of mind and simply relying upon the enquiry report of the Enquiry Officer, which was conducted in total violation of rules and regulations and also violation of principles of natural justice. Hence the impugned proceedings issued by the District Collector, Mahabubnagar is liable to be set aside on the following grounds:- and the same are liable to be set aside on the following grounds:-

- i) In the Charge Memo, the disciplinary authority has totally failed to include the list of witnesses and list of documents under Annexure I & II basing on which charges have been framed as per the APCS (CCA) Rules, 1991.
- ii) The appellant was not given any opportunity to cross-examine the witnesses and peruse the documents in order to defend himself.

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- iii) No evidence was shown that the appellant has misappropriated the rice along with 2 others to the extent of 212 quintals and he has violated the rules and regulations issued by the Government
- iv) Once the disciplinary authority imposed the penalty under rule 9(x) of APCS (CCA) Rules, 1991, necessarily they should have followed the rules contemplated under APCS (CCA) Rules, 1991 to conduct enquiry from the stage of issuing show cause notice to till the imposing the punishment. In this case the disciplinary authority has totally violated all the rules and regulations contemplated under APCS (CCA) Rules, 1991, which are mandatory in nature and nobody is immune to violate the same.
- v) No direct evidence established against the appellant that he has committed misappropriation along with 2 others to the extent of 212 quintals out of 437 quintals of rice.
- vi) The appellant's responsibility is only to the extent of 437 quintals of rice which was received by MPDO., Bijinepally and the same quantity distributed among the ISL beneficiaries.
- vii) No enquiry report is communicated to the appellant in order to submit the detailed explanation to the show-cause notice.
- viii) The E.O. has arrived to a conclusion basing on the assumption and presumption in the enquiry contemplated under Rule 20 of APCS (CCA) Rules, 1991, have no role to play.

11. He has therefore prayed to exonerate him from the impugned order / proceedings No.B1/885/21006-A6-1, dt. 23-6-200 issued by the District Collector (Pt.Wing), Mahabubnagar by setting aside the same and to pass such other order or further orders as this Hon'ble Authority may deem fit and proper in the interest of justice.

12. The case was taken up for hearing on 23-9-2008. The petitioner appeared. While reiterating the contentions raised in the petition, he has made submissions that though he acknowledged the receipt of release orders issued by the MPDO but he has not received the entire quantity of rice meant for distribution among the beneficiaries of I.S.Ls. He has further contended that whatever the quantity of rice he received the same was distributed among the beneficiaries. He has further contended that the rice has lifted from the stock point by the fair price shop dealer and Sarpanch and he is nothing to do with the lifting of rice from the stock point. The matter was adjourned to 29-11-2008 for further hearing and the District Collector, Mahabubnagar was asked to
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give a further report on the contentions made by the petitioner -vide reference 6th read above.

12. On 29-11-2008 the petitioner appeared. The DPO Mahabubnagar who is also present has submitted his verification report along with the original records-vide reference 9th read above. The verification report discloses that the appellant has acknowledged the receipt of 315.00 quintals out of 437.00 quintals of rice released and 375 quintals of rice has been distributed to the beneficiaries, which is more than the quantity of rice acknowledged by him. Since the quantity of rice distributed to the beneficiaries is more than the quantity of rice acknowledged by the petitioner, government have consider that there is no legality or regularity on the punishment imposed by the District Collector made in Proceedings No.B1/885/2006-1, dt. 23-6-2008 and the same are liable to be set aside. It is the responsibility of the department to find out as to who has acknowledged the receipt of the balance quantity of 122.00 quintals of rice i.e. (437-315).

13. Government, after careful consideration of the matter have decided to allow appeal petition of Sri M..Venu Reddy by setting aside the orders passed by the District Collector (PW), Mahabubnagar in Proceedings No.B1/885/2006-A6-1, dt. 23-6-2008. dismissing the appellant from service.

14. The District Collector, Mahabubnagar is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT

To

The District Collector (Pt. Wing), Mahabubnagar.

The Individual through the District Collector (Pt. Wing),
Mahabubnagar.

Copy to:

The Commissioner of Panchayat Raj & Rural Employment, A.P.,
Hyderabad.

The District Panchayat Officer, Mahabubnagar

The P.S. to the Hon'ble Minister for Panchayat Raj.

SF/SC/

//FORWARDED:: BY ORDER//

SECTION OFFICER